

COPY

DECLARATION
Utility ApplicationLyon & Lyon LLP
Docket Information
238/281

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Apparatus and Method for Real-Time Configuration and Analysis in Detection System** the specification of which

(Check One)

☐
☒

is attached hereto OR

was filed on December 2, 1998 as United States Application Serial No. 09/204,324 or PCT International Application No. _____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Date of Filing | Priority Claimed | |
|--|---------|----------------|------------------|----|
| | | | Yes | No |
| | | | | |

I hereby claim the benefit under Title 35, United States Code §119(e) of any United States provisional application(s) listed below.

| Application Number(s) | Filing Date |
|-----------------------|-------------|
| | |

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application Number | Parent Filing Date | Status-Patented, Pending or Abandoned |
|--|--|--|
| CIP of 08/753,962, which is a CIP of 08/534,454, which is a CIP of 08/304,657, which is a CIP of 08/271,882, which is a CIP of 08/146,504 and a CIP of 08/709,358 | December 4, 1996 September 27, 1995 September 9, 1994 July 7, 1994 November 1, 1993 September 6, 1996 | Pending Allowed Issued as USP 5,632,957 Allowed Issued as USP 5,605,662 Pending |

| | | |
|--|---|---|
| Send Correspondence to: David B. Murphy | LYON & LYON LLP 633 W Fifth St., Suite 4700 Los Angeles, CA 90071 | Direct Telephone calls to: David B. Murphy (714) 751-6606 |
|--|---|---|

| | | | | | |
|-----|-------------------------|--------------------------------|--|--------------------------------|-------------------|
| | FULL NAME OF INVENTOR | FIRST Name Donald | MIDDLE Initial E. | LAST Name Ackley | |
| 201 | RESIDENCE & CITIZENSHIP | City Cardiff | State or Foreign Country California | Country of Citizenship USA | |
| | POST OFFICE ADDRESS | 2033 Cambridge Avenue | City Cardiff | State or Country CA | Zip Code 92007 |
| | FULL NAME OF INVENTOR | FIRST Name Edward | MIDDLE Initial L. | LAST Name Sheldon | |
| 202 | RESIDENCE & CITIZENSHIP | City San Diego | State or Foreign Country California | Country of Citizenship USA | |
| | POST OFFICE ADDRESS | 12515 Birch Bluff Place | City San Diego | State or Country CA | Zip Code 92131 |
| | FULL NAME OF INVENTOR | FIRST Name Michael | MIDDLE Initial K. | LAST Name Krihak | |
| 203 | RESIDENCE & CITIZENSHIP | City San Diego | State or Foreign Country California | Country of Citizenship USA | |
| | POST OFFICE ADDRESS | 7565 Charmant Drive, Suite 610 | City San Diego | State or Country California | Zip Code 92122 |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 204 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 205 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |
| | FULL NAME OF INVENTOR | FIRST Name | MIDDLE Initial | LAST Name | |
| 206 | RESIDENCE & CITIZENSHIP | City | State or Foreign Country | Country of Citizenship | |
| | POST OFFICE ADDRESS | | City | State or Country | Zip Code |

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

| | |
|-----------------------|---------|
| Signature of Inventor | 201 |
| Date | 1/21/99 |
| Signature of Inventor | 202 |
| Date | 1/21/99 |
| Signature of Inventor | 203 |
| Date | 1/21/99 |

| | |
|-----------------------|-----|
| Signature of Inventor | 204 |
| Date | |
| Signature of Inventor | 205 |
| Date | |
| Signature of Inventor | 206 |
| Date | |

(Signatures should conform to names as presented at 201 et seq. above.)

COPY



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

MAY 26, 1999

PTAS

LYON & LYON LLP
DAVID B. MURPHY, ESQ.
633 WEST FIFTH STREET, SUITE 4700
LOS ANGELES, CA 90071-2066



100982317A

**UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT**

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/26/1999

REEL/FRAME: 9804/0158
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

ACKLEY, DONALD E.

DOC DATE: 01/21/1999

ASSIGNOR:

SHELDON, EDWARD L.

DOC DATE: 01/21/1999

ASSIGNOR:

KRIHAK, MICHAEL K.

DOC DATE: 01/21/1999

ASSIGNEE:

NANOGEN, INC.
10398 PACIFIC CENTER COURT
SAN DIEGO, CALIFORNIA 92121

SERIAL NUMBER: 09204324
PATENT NUMBER:

FILING DATE: 12/02/1998
ISSUE DATE:

REC'D
JUN 03 1999
U.S. PATENT & TRADEMARK OFFICE

9804/0158 PAGE 2

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

03-15-1999

FORM PTO-1595
1-31-87

Docket No. 238/281

FEB 26 1999

RECORD



100982317

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

| | |
|--|---|
| 1. Name of conveying party(ies): Donald E. Ackley; Edward L. Sheldon; and Michael K. Krihak Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 2. Name and address of receiving party: Name: <u>Nanogen, Inc.</u> Internal Address: _____ City: _____ State: _____ Zip: _____ Street Address: <u>10398 Pacific Center Court</u> City: <u>San Diego</u> State: <u>CA</u> Zip: <u>92121</u> Additional name(s) & address(es) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 3. Nature of conveyance: <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____ Execution Date: <u>January 21, 1999</u> | |

4. Application number(s) or patent number(s):
 If this document is being filed together with a new application, the execution date of the application is: January 21, 1999

A. Patent Application No(s). 09/204,324

B. Patent No(s).:

Additional numbers attached? ☐ Yes ☒ No

| | |
|---|--|
| 5. Name and address of party to whom correspondence concerning document should be mailed: Name: <u>David B. Murphy, Esq.</u> Internal Address: LYON & LYON LLP 633 West Fifth Street, Suite 4700 Los Angeles, CA 90071-2066 | 6. Total number of applications and patents involved: <u>1</u> 7. Total fee (37 CFR 3.41): <u>\$ 40.00</u> <input checked="" type="checkbox"/> Enclosed <input type="checkbox"/> Charge this Deposit Account if any additional fee is required 8. Deposit Account Number: <u>12-2475</u> |
|---|--|

DO NOT USE THIS SPACE

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Date: February 22, 1999

David B. Murphy, Reg No. 31,125

Total number of pages including cover sheet:

OMB No. 0651-0011 (exp. 4/94)

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Mail documents to be recorded with required cover sheet information to:

03/03/1999 TL0011 00000014 09204324

Commissioner of Patents and Trademarks

03 FC:581

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Box Assignments

Washington, D.C. 20231

Public burden reporting for this sample cover sheet is estimated to average about 30 minutes per document to be recorded, including time for reviewing the document and gathering the data needed, and completing and reviewing the sample cover sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Office of Information Systems, PK2-1000C, Washington, D.C. 20231, and to the Office of Management and Budget, Paperwork Reduction Project, (0651-0011), Washington, D.C. 20503

ASSIGNMENT

WHEREAS, WE, DONALD E. ACKLEY, a citizen of the United States, residing at 2033 Cambridge Avenue, Cardiff, California 92007, EDWARD L. SHELDON, a citizen of the United States, residing at 12515 Birch Bluff Place, San Diego, California 92131, and MICHAEL K. KRIHAK, a citizen of the United States, residing at 7565 Charmant Drive, Suite 610, San Diego, California 92122 (hereinafter referred to as "ASSIGNORS"), have invented and own a certain invention entitled *APPARATUS AND METHOD FOR REAL-TIME CONFIGURATION AND ANALYSIS IN DETECTION SYSTEM* for which application for Letters Patent of the United States of America has been filed on December 2, 1998, assigned Serial No. 09/204,324; and

WHEREAS, NANOGEN, INC., a corporation organized and existing under and by virtue of the laws of the State of California and having its principal place of business at 10398 Pacific Center Court, San Diego, California 92121 (hereinafter referred to as "ASSIGNEE"), is desirous of acquiring the exclusive right, title and interest in, to and under said invention and in, to and under any Patent or similar legal protection to be obtained therefor in the United States of America, its territorial possessions and in any and all countries foreign thereto.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby sell, assign, transfer and set over unto the said ASSIGNEE, its successors and assigns, the full and exclusive right, title and interest to said invention and to all Letters Patent or application or similar legal protection, not only in the United States and its territorial possessions, but in all countries foreign thereto to be obtained for said invention by said application, and to any continuation, division, renewal, substitute or reissue thereof or any legal equivalent thereof in the United States or a foreign country for the full term or terms for which the

same may be granted, including all priority rights under the International Convention; and ASSIGNORS hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent or any legal equivalent thereof to said ASSIGNEE, its successors and assigns, in accordance with this Assignment.

ASSIGNORS hereby covenant that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this Agreement;

ASSIGNORS further covenant that ASSIGNEE will, upon its request, be provided promptly with all pertinent facts and documents relating to said application, said invention and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNORS and will testify as to the same in any interference or litigation related thereto and will promptly execute and deliver to ASSIGNEE or its legal representative any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention and said Letters Patent and said equivalents in the United States or in any foreign country, which may be necessary or desirable to carry out the purposes thereof.

WITNESS my hand at San Diego, California, this
21st day of January, 1999.

Donald E. Ackley
DONALD E. ACKLEY, Ph.D.

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

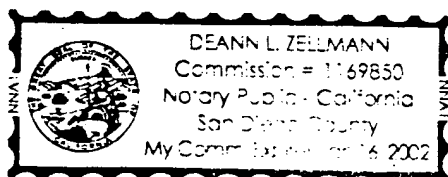
On 1/21/99 before me, DEANN L. ZELLMANN, personally appeared
DONALD E. ACKLEY

☐ personally known to me

- OR -

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Deann L. Zellmann
Notary Public in and for
said County and State

WITNESS my hand at San Diego, California, this
21st day of January, 1999

Edward L. Sheldon
EDWARD L. SHELDON

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

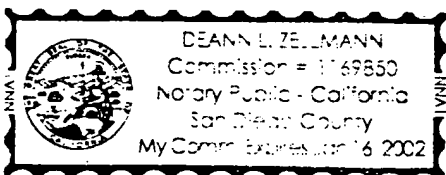
On 1/21/99 before me, DEANN L. ZELLMANN, personally appeared
EDWARD L. SHELDON

☐ personally known to me

- OR -

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s); or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Deann L. Zellmann
Notary Public in and for
said County and State

WITNESS my hand at SAN DIEGO, California, this
21ST day of JANUARY, 1999.


MICHAEL K. KRIHAK

STATE OF CALIFORNIA)
) ss
COUNTY OF SAN DIEGO)

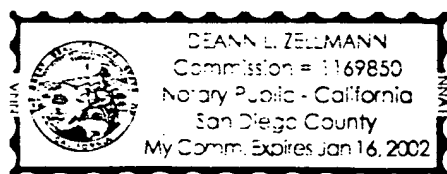
On 1/21/99 before me, DEANN L. ZEUMANN, personally appeared
MICHAEL K. KRIHAK

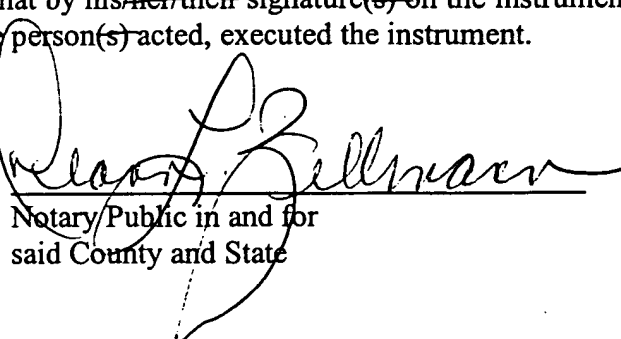
☐ personally known to me

- OR -

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the
same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.




Notary Public in and for
said County and State

COPY

Patent
Attorney Docket: 612,404-272
(prev 238/281)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

DONALD E. ACKLEY et al.

Serial No.: 09/204,324

Filed: December 2, 1998

For: RECONFIGURABLE DETECTION
AND ANALYSIS APPARATUS AND
METHOD

Group Art Unit: 1631

Examiner: A. Marschel

POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST
AND REVOCATION OF PRIOR POWERS

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

I, Mary Ann Stretch, Director of Intellectual Property, NANOGEN, INC., as representative of the Assignee of record of the entire interest of the above application, hereby revoke all powers of attorney previously given and appoint the following attorney sand/or agents to prosecute and transact all business in the United States Patent and Trademark Office, and in countries other than the United States, and to do all things necessary or appropriate therefore before any competent International Authorities in

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit
IR1:497853.1


10/1/02

Denise Doss

Name of Person Mailing Paper

Signature of Person Mailing Paper

connection with any international patent application(s) corresponding to the above-identified application, all of the registered practitioners identified below:

| | |
|--|---|
|  34263 PATENT TRADEMARK OFFICE | O'MELVENY & MYERS LLP 114 Pacifica, Suite 100 Irvine, CA 92618 (949) 737-2900 |
|--|---|

Please send all correspondence to the attention of David B. Murphy/Michael S. Davidson, at the above address, and direct all telephone calls to David B. Murphy or Michael S. Davidson at (949) 737-2900.

Assignee of interest: Nanogen, Inc.
Address: 10398 Pacific Center Court, San Diego, California 92121
Recorded in PTO: February 26, 1999, Reel: 9804, Frame 0158-0163

In conformance with 37 C.F.R. §3.73(b), I hereby certify that all documents in connection with the chain of title have been reviewed, and to the best of my knowledge, all right, title and interest is in the above-identified Assignee.

Dated: 10/1/02

By: 
Mary Ann Stretch
Director, Intellectual Property

NANOGEN, INC.
10398 Pacific Center Court
San Diego, California 92121